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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 24 June 2011 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Federal Republic of Germany to the United Nations has the honour to transmit the attached implementation report in accordance with paragraph 25 of Security Council resolution 1970 (2011) (see annex).

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Annex to the note verbale dated 24 June 2011 from the Permanent Mission of Germany to the United Nations addressed to the Chair of the Committee

In paragraph 25 of Security Council resolution 1970 (2011), the Security Council calls upon all Member States to report to the Committee within 120 days of the adoption of the resolution on the steps they have taken with a view to implementing effectively the arms embargo, the travel ban and the asset freeze. The steps taken by Germany pursuant to paragraphs 9, 10, 15 and 17 of Security Council resolution 1970 (2011) are outlined below.

I. Measures adopted by the European Union

Under European Union law, Security Council resolutions are being implemented by decisions of the European Council in the area of Common Foreign and Security Policy (CFSP). These decisions are legally binding for the member States. They transform the content of Security Council resolutions into European Union law but may also go beyond the specific content of a resolution. In order to make their content not only binding for the member States but also directly applicable within the member States, the decisions need to be further implemented by European Council regulations.

In application of these principles, the Federal Republic of Germany and the other member States of the European Union have jointly implemented the restrictive measures against Libya imposed by Security Council resolutions 1970 (2011) and 1973 (2011) as follows:

- **Council decision 2011/137/CFSP of 28 February 2011, amended by Council decision 2011/178/CFSP of 23 March 2011 and by Council decision 2011/332/CFSP of 7 June 2011.**

The Council decisions set out the European Union's commitment to implementing all measures contained in Security Council resolutions 1970 (2011) and 1973 (2011), and provide a basis for the European Union's specific additional measures. Council decision 2011/137/CFSP provides for an arms embargo, a ban on equipment used for internal repression, as well as restrictions on the admission and the freezing of funds and economic resources of certain persons and entities involved in serious human rights abuses against persons in Libya, including by being involved in attacks, in violation of international law, on civilian populations and facilities. Council decision 2011/178/CFSP provides, inter alia, for further restrictive measures in relation to Libya, including a prohibition on flights in Libyan airspace, a prohibition on Libyan aircraft in the airspace of the European Union, and further provisions in relation to the measures introduced in Council decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya, including a provision to ensure that these measures do not affect humanitarian operations in Libya. Council decision 2011/332/CFSP amended the earlier decisions in order to take into account specific arrangements for restrictive measures applicable to port authorities.

These decisions were further supplemented by the following Council implementing decisions:

- **Council implementing decision 2011/156/CFSP of 10 March 2011** implementing decision 2011/137/CFSP, and in particular article 8 (2) thereof, in conjunction with article 31 (2) of the Treaty on European Union, and including additional persons and entities listed in the annex to the implementing decision in the list in annex IV to Council decision 2011/137/CFSP.

- **Council implementing decision 2011/175/CFSP of 21 March 2011** including, once more, additional persons and entities listed in annexes I and II to the implementing decision in the list in annexes II and IV to Council decision 2011/137/CFSP.

- **Council implementing decision 2011/236/CFSP of 12 April 2011** replacing the annexes to Council decision 2011/137/CFSP with the text set out in annexes I, II, III and IV to the implementing decision and including additional persons and entities in the list, as well as removing one person from it.

- **Council implementing decision 2011/300/CFSP of 23 May 2011** including an additional person and an additional entity listed in annexes I and II to the implementing decision in the list in annexes II and IV to Council decision 2011/137/CFSP.

- **Council implementing decision 2011/345/CFSP of 16 June 2011** removing one person from the list in annex IV to Council decision 2011/137/CFSP.

- **Council regulation 204/2011 of 2 March 2011, amended by Council regulation 296/2011 of 25 March 2011 and Council regulation 572/2011 of 16 June 2011.**

The Council regulations implemented the Council decisions outlined above, in particular with a view to ensuring their uniform application by economic operators in all member States. These regulations were supplemented by the following Council implementing regulations:

- **Council implementing regulation 233/2011 of 10 March 2011** implementing article 16 (2) of Council regulation 204/2011 and including additional persons and entities in the list of persons and entities subject to restrictive measures as set out in annex III to that regulation.

- **Council implementing regulation 272/2011 of 21 March 2011** implementing article 16 (2) of Council regulation 204/2011 and including additional persons and entities in the list of persons and entities subject to restrictive measures set out in annex III to that regulation.

- **Council implementing regulation 288/2011 of 23 March 2011** implementing article 16 (1) and (2) of Council regulation 204/2011, replacing annexes II and III of that regulation with the text set out in annexes I and II to the implementing regulation and including an additional person and an additional entity in the list.

- **Council implementing regulation 360/2011 of 12 April 2011** implementing article 16 (1) and (2) of Council regulation 204/2011, replacing annexes II and III of that regulation with the text set out in annexes I and II to the implementing regulation and including additional persons and entities in the list as well as removing one person from that list.

- **Council implementing regulation 502/2011 of 23 May 2011** implementing Council regulation 204/2011 and including an additional person and an additional entity in the list of persons and entities subject to restrictive measures as set out in annex III to that regulation.

- **Council implementing regulation 573/2011 of 16 June 2011** implementing article 16 (2) of Council regulation 204/2011 and removing one person from the list of persons and entities subject to restrictive measures as set out in annex III to that regulation.

- **Council regulation (EC) No. 539/2001 of 15 March 2001** (and its subsequent amendments). The regulation requires nationals of Libya to be in possession of a visa when entering the European Union.

II. National implementing measures

The competent German authorities have implemented the travel ban against persons listed by Security Council resolutions 1970 (2011) and 1973 (2011).

The arms embargo imposed by Security Council resolution 1970 (2011) was implemented by an amendment of the Foreign Trade and Payments Regulation. Since the adoption of Security Council resolution 1970 (2011), no licences for the export of arms have been granted by German authorities.

Infringements of major prohibitions of the European Union's Council regulations concerning sanctions against Libya constitute a crime under German law, punishable by a minimum sentence of six months' imprisonment and of two years' imprisonment in cases of serious infringements.

Based on Security Council resolutions 1970 (2011) and 1973 (2011), assets totalling €7.21 billion (calculated on the basis of exchange rates of 3 June 2011) have been frozen in Germany.